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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/864,383

05/25/2001

Jonathan Bye

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EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,383	Applicant(s) BYE, JONATHAN	
	Examiner Johnna R. Loftis	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7,10,16-19,77,79,93,94,96,101,104,110-112,153,155,157,162,165,171-173,214,215,218,219 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1,2,7,10,16-19,77,79,93,94,96,101,104,110-112,153,155,157,162,165,171-173,214,215,218 and 219.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/14/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Arguments are based on claims as newly amended. New rejections are presented below in light of the amendments to the claims.

Drawings

3. The drawings are objected to because most figures are not clear, especially figures 4-14. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 7, 10, 16-19, 93, 94, 96, 101, 104, 110-112, 153, 155, 157, 162, 165, 171, 172, 173, 214, 215, 218** are rejected under 35 U.S.C. 103(a) as being anticipated by Aycock et al, US 5,765,138 in view of Egan et al, US 5,657,460.

As per **claim 1**, Aycock et al teaches a method of evaluating the supply base of a supply chain comprising the steps of: inputting data concerning at least one of multiple suppliers in said supply chain (column 3, lines 3-5); displaying performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain (column 4, lines 2-6; column 9, lines 37-44 – the performance data is displayed); and producing an evaluation score for said at least one supplier based on said inputted data and by combining a plurality of performance measurement components, each performance measurement component

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corresponding to a different measured time (column 3, lines 3-12 and column 7, lines 45-65 – in determining the whether to approve the supplier, both current and past performance results (gathered at different times) are analyzed). Although Aycock et al teaches producing an evaluation score for a supplier and accessing the databases of the supplier through an interface to view information on performance reports (column 4, lines 2-6), the reference does not explicitly teach determining a supply chain, inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the at least one multiple suppliers and displaying for at least one hierarchical level, the performance indicators. Egan et al teaches a using an interface to access and track sales, revenue and profit information for a supplier by indicating a region of a supplier to view the information. The user can develop a hierarchical set of displays for sales so an end user can view successively smaller sales regions in the supply chain (column 15, lines 19-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate hierarchical views of performance data (both present and past), as taught by Egan et al, into the performance evaluation system of Aycock et al to produce a more encompassing view of the supplier for which the performance evaluation is taking place.

As per **claim 2**, Aycock et al teaches the performance indicators displayed in said displaying step comprise at least one of: returns, damaged returns, group sales, net sales, buying margin, achieved margin, lateness of order, and service level (column 3, lines 9-13 – the calculation performed refers to the serviceability of the vendor).

As per **claim 7**, Aycock et al teaches the evaluation comprising the further step of comparing evaluation scores for multiple suppliers (column 10, lines 5-11).

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As per **claim 10**, Aycock et al teaches the evaluation comprising the further step of comparing performing indicators for multiple suppliers (column 10, lines 5-7).

As per **claim 16**, Aycock et al teaches the step of providing for input of anecdotal information (Column 13, lines 5-12 – the supplier provides responses to questions which are generated in a word processing-based document).

As per **claim 17**, Aycock et al teaches the step of linking the evaluation score to a product type (column 9, line 59 – column 10, line 5).

As per **claim 18**, Aycock et al teaches a competitive analysis (comparison) of suppliers to determine respective performance of the suppliers wherein there is inherently a ranking of the suppliers with respect to each other (column 10, lines 1-10).

As per **claim 19**, Aycock et al teaches the step of restricting the inputting step to authorized personnel (column 10, lines 55-67 – upon receiving the proper access code, the supplier can input information).

As per **claim 93**, Aycock et al teaches receiving data concerning at least one of a plurality of suppliers (column 3, lines 3-5); and generating for at least one performance indicator for the supply chain by combining a plurality of performance measurement components, each performance measurement component corresponding to a different measured time (column 3, lines 3-12 and column 7, lines 45-65 – in determining the whether to approve the supplier, both current and past performance results (gathered at different times) are analyzed), said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier (column 4, lines 2-6; column 9, lines 37-44 – the performance data is displayed).

Aycock et al does not explicitly teach determining a supply chain, receiving a request relating to

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at least one supplier of the supply chain, the request including hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier; and generating performance indicators for at least one selected hierarchical level. Egan et al teaches a using an interface to access and track sales, revenue and profit information for a supplier by indicating a region of a supplier to view the information. The user can develop a hierarchical set of displays for sales so an end user can view successively smaller sales regions in the supply chain (column 15, lines 19-40). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate hierarchical views of performance data (both past and present), as taught by Egan et al, into the performance evaluation system of Aycock et al to produce a more encompassing view of the supplier for which the performance evaluation is taking place.

As per **claim 94**, Aycock et al teaches producing an evaluation score for the at least one supplier (column 3, lines 3-12).

As per **claim 96**, Aycock et al teaches producing an evaluation score for the at least one supplier based on inputted data (column 3, lines 3-12).

As per **claim 101**, Aycock et al teaches the evaluation comprising the further step of comparing performing indicators for multiple suppliers (column 10, lines 5-7).

As per **claim 104**, Aycock et al teaches the evaluation comprising the further step of comparing performing indicators for multiple suppliers (column 10, lines 5-7).

As per **claim 110**, Aycock et al teaches the step of providing for input of anecdotal information (Column 13, lines 5-12 – the supplier provides responses to questions which are generated in a word processing-based document).

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As per **claim 111**, Aycock et al teaches the step of linking the evaluation score to a product type (column 9, line 59 – column 10, line 5).

As per **claim 112**, Aycock et al teaches a competitive analysis (comparison) of suppliers to determine respective performance of the suppliers wherein there is inherently a ranking of the suppliers with respect to each other (column 10, lines 1-10).

As per **claim 153**, the recited step of “logging into a system” constitutes the same limitation as addressed in claim 19 that recites providing "restricted access". Furthermore, claim 19 depends from claim 1 which recites the steps that are equivalent to the steps recited in claim 153. Therefore the analysis as applied to claims 1 and 19 is applied to claim 153.

Claims 155, 157, 162, 165, 171, 172, 173 receive the same analysis as applied to claims 94, 96, 101, 104, 110-112 above.

As per **claim 214**, Aycock et al teaches determining a criterion to gauge the performance indicators (column 6, lines 37-54 – performance is given a specific level or numeric representation based on certain criterion).

As per **claim 215**, Aycock et al teaches selecting the supply chain from a plurality of supply chains (column 9, lines 37-58 – the selection of the supplier is made from a plurality of suppliers in the database).

As per **claim 218**, Aycock teaches comparing vendor performance wherein it is inherent that vendors would be in the same level of the supply chain, but does not explicitly teach comparing performance of at least one supplier at a first hierarchical level with another supplier at another hierarchical level. Egan et al teaches viewing sales data within a hierarchy to track performance. It would have been obvious to one of ordinary skill in the art to compare

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performance across hierarchical levels to gain a more insightful view of the organization to determine which level of the organization is in need of improvement thereby resulting in a more efficient organization. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a hierarchical view of the performance of the suppliers in the supply chain organization to allow for more in depth knowledge as to where performance is lacking within the suppliers.

As per **claim 219**, the combination of Aycock et al and Egan et al does not explicitly teach trending the performance indicator over a period of time for at least one multiple supplier. However it is old and well known in the art of data manipulation to collect data, evaluate it, and then plot the results to determine any trends. It would have been obvious to modify the combination of Aycock et al and Egan et al to incorporate a trend of the data to see how each supplier performs over time to determine if there is consistency to make a more informed choice when selecting a supplier.

6. **Claims 77 and 79** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Aycock et al, US 5,765,138 and Egan et al, US 5,657,460 in view of James et al.

As per **claim 77**, the combination of Aycock et al. and Egan et al teaches all the limitations of these claims as applied to claims 1, 20, 39 and 58 above. The combination does not teach providing a bulletin board so users can communicate to assess and evaluate the supply base. Examiner takes Official Notice that it is notoriously old and well known in the art to use electronic bulletin board systems (BBS) to share common information among a group of users. For instance, USENET newsgroups have been used for over a decade to provide a common

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forum to post important messages between the users to share a particular topic. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include an electronic bulletin board in Aycock since Aycock already teaches sharing information over a computer network and BBS, as it is notoriously well known in the art at the time the invention was made, provides for a simple, mass information dissemination format so users can read and provide immediate feedback on the issue at hand.

As per **claims 79**, these are inherent administrative procedures for an electronic bulletin board system. See, for example, James et al reference ("An Exploratory Study of the Perceived Benefits of Electronic Bulletin Board Use and Their Impact on Other Communication Activities") cited herewith.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Huang et al, US 6,151,582 – decision support system for the management of an agile supply chain

Huang et al, US 5,953,707 – decision support system for the management of an agile supply chain


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JL
4/25/06



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